IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

      Darwin Rambo

Serial No.:   10/620,048

Filed: July 15, 2003

For: AUDIO/VIDEO CONFERENCING
       SYSTEM

Examiner: Gerald A. Smarth

Group Art Unit: 2446

Conf. No.:   7642

Electronically Filed on February 22, 2010

REPLY BRIEF

Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR 41.41, the Appellant respectfully submits this Reply Brief in response to the Examiner's Answer mailed on December 23, 2009. This Reply Brief provides a timely response to the Examiner's Answer and has a period of reply that expires on February 23, 2010.

STATUS OF THE CLAIMS

The present Application originally included 26 claims (Claims 1-26). Pending Claims 1-26 stand rejected and are the subject of this appeal.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

I.   Claims 1-12, 14-16, and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,559,863 ("Megiddo").

II.   Claims 17-19 and 21-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Megiddo in view of U.S. Patent No. 5,758,079 ("Ludwig").

APPELLANT'S RESPONSE TO EXAMINER'S ANSWER

The Appellant maintains the arguments previously presented in the Brief on Appeal. In the Grounds of Rejection section (section 9) of the Examiner's Answer, the Examiner maintains the arguments he previously presented in the final Office Action. However, the Examiner has presented some new arguments, in the Examiner's "Response to Argument" (section 10) in response to the Brief on Appeal, which were not made previously in the final Office Action. As a consequence, the Appellant has addressed these newly presented arguments in this Reply Brief.

This Reply Brief responds to the Examiner's "Response to Argument" (section 10) starting from page 19 of the Examiner's Answer. The Appellant believes that the pending claims recite patentable subject matter. Consequently, the Appellant respectfully submits that the Board should reverse the rejections to Claims 1-26.

I.   REJECTION OF CLAIMS 1-12, 14-16 and 20 UNDER 35 U.S.C. § 102(e)

A.   Independent Claim 1

Claim 1 is directed to:

A system for configuring a conference call comprising a computing device that is communicatively coupled with a server, said computing device capable of displaying, to a participant of a conference call, information regarding a status of the conference call based on at least one communication received from said server.

Regarding Claim 1, the Examiner's Answer states:

> Examiner summarizes appellant's arguments. Appellant respectfully submits that Megiddo, at Figures 1a or 1c, and col. 3 lines 54-56, does not teach anything about" a system for configuring a conference call comprising a computing device that is communicatively coupled with a server." Megiddo's

electronic conference room allows communication between all parties (regardless of an individual's membership to a group) in that electronic room. While the examiner believes that each group within Megiddo's conference room constitutes a conference call, Appellant disagrees because anyone within the electronic conference room hears everyone else (regardless of whether participants are in separate groups within the conference room) at a volume that is inversely proportional to the distance between a first user's iconic representation and a second user's iconic representation. Consequently, for at least this reason, the Appellant respectfully submits that the Office Action has not shown a teaching of a conference call as recited in claim 1.

The Appellant further goes to explain that nowhere does Megiddo, at col. 7 lines 48-51, does not teach anything about "a system for configuring a conference call comprising a computing device that is communicatively coupled with a server, said computing device capable of displaying, to a participant of a conference call, information regarding a status of the conference call based on at least one communication received from said server." Appellant explains that Megiddo is an electronic conference room in a cocktail party environment where everyone can hear other conversations at a level corresponding to the distance one or more parties are from a participant or user. Appellant submits that an electronic conference room does not teach a conference call.

Appellant respectfully submitted that communication between multiple groups of users in a conference room (as disclosed by Megiddo) is different from conducting a conversation between participants in a conference call. Appellant explains that a conversation between multiple users in a room provides no provides no privacy among the parties since Megiddo states that" the present invention facilitates creating a cocktail party type of interaction medium wherein communications between parties spatially closer to a fist [sic] user are more intense than communications. The application also is able to have the ability to eavesdrop on conversations of one or more people while concurrently being able to eavesdrop on conversations of one or more other parties. Appellant explains the

office action has not shown a teaching of "information regarding a status of the conference call based on at least one communication received from said server".

In response to Appellant's arguments, the Examiner further states:

Examiner would like to clarify position regarding the applicant's argument. Applicant's main argument seems to be that Megiddo's conference room does not teach a "conference call". Applicant explains that Megiddo has an added feature of being able to hear or eaves drop within other groups thus it is not a conference call. Examiner respectfully disagrees.

Examiner would like to point out that Megiddo's conference room allows for multiple users to communicate with one another. Megiddo discloses, in accordance with another aspect of the present invention, a method is provided for allowing multiple users to communicate electronically with one another; Megiddo Column 3 lines 14-18. Further Megiddo explains that the use the communication can be by video and audio. The user 111 and the second graphic image 112 can communicate using visual and/or audio communications via conventional computer system methods; Column 5 lines 49-51. This is explaining a conference call to the examiner.

Further replying to applicant's argument that Megiddo's has the capability to eaves drop into other groups which makes it not a conference call. Examiner would like to point out this extra feature of Megiddo's background communication of other groups is able to [sic] turned on and off. The user can turn on and off selectively background communications from other groups with respect to the user's computer and personal environment. The user can also control their own communication within the group. For example, the user can select between communicating visually, audibly or simply listening to others. Column 2 lines 36-42.

Appellant's Reply: While the "user can turn on and off selectively background communications from other groups with respect to the user's computer and personal

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environment" and "can also control their own communication within the group" (as disclosed in Megiddo, at col. 2 lines 36-38), the user cannot control his utterances or visual information from being received by the other participants of the conference call. Others in the conference room can block out the user's utterances. Therefore, the user cannot be sure that he is being heard audibly by others as would occur in a "conference call." Consequently, for at least this reason, the "conference room" disclosed in Megiddo does not teach the "conference call" recited in Claim 1. Consequently, as the Appellant had previously stated in the Brief on Appeal, Megiddo's "conference room" does not teach a "conference call" as recited in Claim 1. For at least the foregoing reasons, the Office Actions have not shown a teaching of each and every element recited in Claim 1. Therefore, Appellant believes that Claim 1 is in condition for allowance.

In response to Appellant's arguments, the Examiner further states:

> Examiner would finally like to clarify "information regarding a status of the conference call based on at least one communication received from said server" as well. Examiner would like to point to Megiddo's Fig. 2a (which is used through a server). This is showing users interacting with each both visually and with audio. There are questions being asked in Fig. 2a element 114. This explains this limitation to examiner by reviewing the example and explanation in Applicant's specification. The conference call configuration information may comprise the number of participants in a particular conference call, the status of a particular participant, and/or transmitted audio/video quality status. For example, a participant's status may include whether or not he has a question for one of the other participants. It is contemplated that other types of status information may also be provided by way of a particular window provided by the graphical user interface; Rambo Page 13 Paragraph [29].

Further Megiddo's Fig. 4B of shows status information of a particular user. Megiddo discloses, for example, in FIG. 4a, the user places the mouse pointer over the fifth graphic image 131, which causes an information screen 160 (FIG. 4b) about the participant to be displayed on the user's personal computer. The information screen 160 includes the following information about the participant: name 162; age 164; gender 166; occupation 168; hobbies 170; and marital status 172. Megiddo Column 5 lines 33-40. This also explains status information to examiner. Megiddo's system is utilized through a central server. Thus all of this information is being relayed through the server. Megiddo discloses the client computer system 35 is shown connected to the central server computer system 25 that is part of the Internet 60; Megiddo Column 4 lines 47-50.

Appellant's Reply: The Appellant respectfully submits that element 114 of Figure 2a represents a "caption box 114" used for textually displaying the conversation between participants. Consequently, a caption box 114 does not teach anything about "displaying, to a participant of a conference call, information regarding a status of the conference call based on at least one communication received from said server," as recited in Claim 1. Furthermore, contrary to what the Examiner alleges, the present Application (Rambo), at paragraph [29], discloses that "a participant's status may include whether or not he has a question for one of the other participants." This means that a "status" would *indicate* "*whether or not* he has a question for one of the other participants" as opposed to displaying text corresponding to a question uttered by a participant, as disclosed in caption box 114 of Megiddo. In contrast, a status would *indicate* that a question has been raised by a participant, for example. Thus, the Office Actions have not shown a teaching of "a status of the conference call," as recited in Claim 1. Consequently, for at least these reasons, the Office Actions have not shown a teaching of each and every element

recited in Claim 1. Appellant submits that Claim 1 contains patentable subject matter which should be allowed.

B.   Dependent Claim 4

Claim 4 is directed to:

The system of Claim 3 wherein said graphical user interface provides one or more lists of participants grouped by way of one or more conference calls.

Regarding Claim 4, the Examiner's Answer states:

> Examiner summarizes appellant's arguments. Applicant makes argument that the system of claim 3 wherein said graphical user interface provides one or more lists of participants grouped by way of one or more conference calls is not being taught.

In response to Appellant's arguments, the Examiner states:

> Examiner explains Megiddo's graphical image and the members of the user's group which appears on the screen, is considered one or more lists of participants to examiner. Examiner is not sure why applicant believes this does not teach the argued limitation since applicant did not further explain.
>
> Further to clarify, Megiddo discloses preferably, the graphical image and the members of the user's group will appear closer on the user's computer screen than other participants in the electronic conference room, regardless of location of the user in the electronic conference room; Column 2 lines 9-13. Megiddo graphical image and the members of the user's group explains one or more list of participants.

The Appellant submits that Megiddo, at col. 2 lines 9-13, states:

> Each participant is considered a main user with respect to attributes of the system on the user's personal computer. Preferably, the graphical image and the
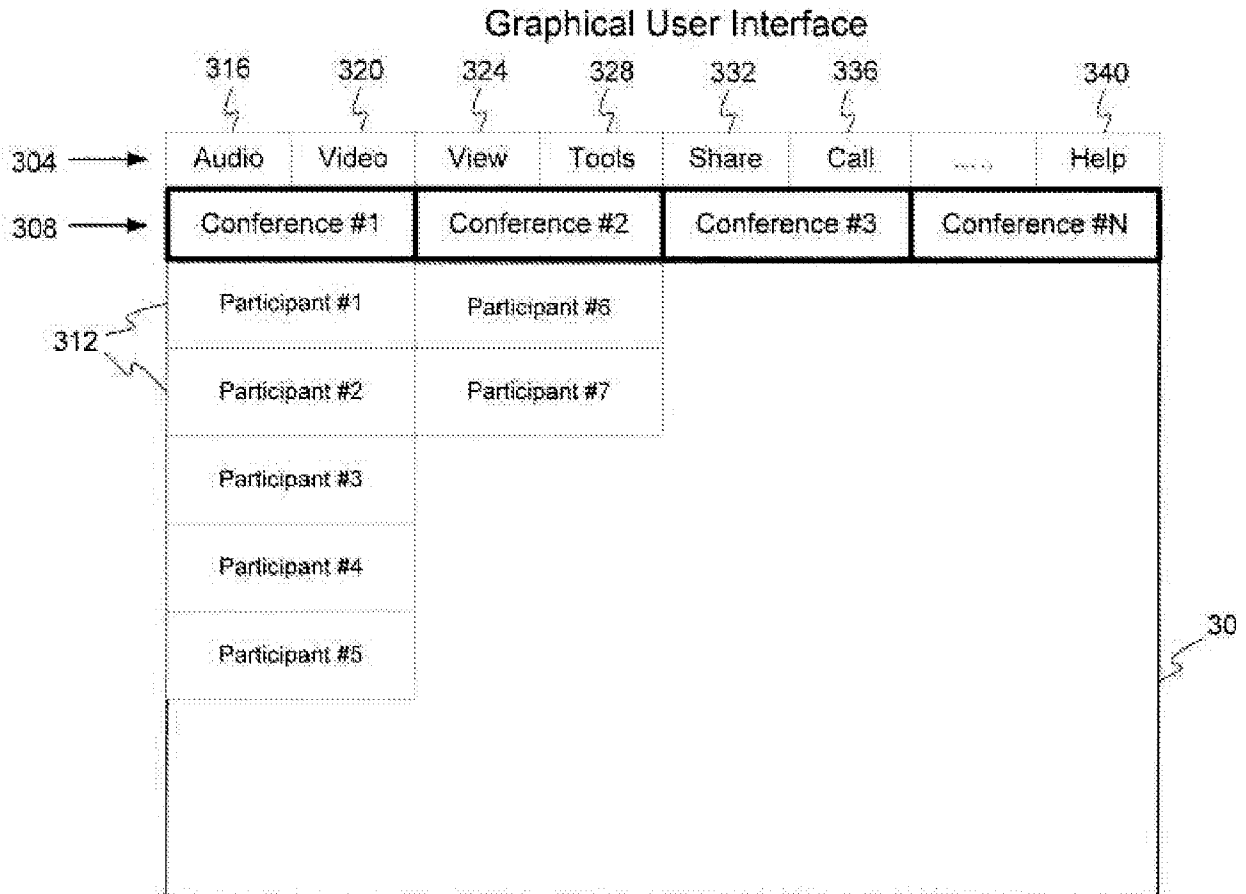
members of the user's group will appear closer on the user's computer' screen than
other participants in the electronic [conference room, regardless of location of the
user in the electronic conference room.]

Appellant's Reply: Contrary to what the Examiner alleges, the Appellant respectfully submits
that "one or more lists of participants" is not taught by *graphical facial images of participants
shown on a display* as illustrated in Megiddo, at Figures 2abc, for example. Appellant points to
the present Application, at paragraph [27], which states:

[27] One or more participants participating in a conference call may be displayed over one or
more windows provided by a graphical user interface. Each participant may be identified by way
of a participant identifier. The participant identifier may comprise a software object that
incorporates a participant's name, icon, logo, or other unique insignia in order to adequately
identify the participant in a conference call. The participant identifiers may be arranged as a list
of participants grouped together. As discussed later, the participant identifiers may be listed
under a particular conference identifier, signifying the conference call they are participating in.
It is contemplated that the participant identifiers may be listed in a roll call fashion, where
participants are listed in the order they call in or log in to the audio/video conferencing system.

Appellant further requests the Board to consider Figures 3 and 4 of the present
Application which provides an illustrative disclosure of conference call identifiers and their
respective "one or more lists of participants," as recited in Claim 4.

For example, the present Application, at Figure 3, illustrates:

Graphical User Interface

| | 316 | 320 | 324 | 328 | 332 | 336 | | 340 |

| 304 → | Audio | Video | View | Tools | Share | Call | .... | Help |

| 308 → | Conference #1 | | Conference #2 | | Conference #3 | | Conference #N | |

312

Participant #1	Participant #6
Participant #2	Participant #7
Participant #3	
Participant #4	
Participant #5	

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Figure 3

As shown in Figure 3, a list of participants is listed underneath a conference call identifier. Thus, a group of facial images does not teach "one or more lists of participants," as recited in Claim 4. For at least these reasons, the Office Actions have not shown a teaching of each and every element recited in Claim 4. Consequently, in light of what is disclosed in the present Application, the Appellant believes that Claim 4 contains patentable subject matter.

C.   Independent Claim 7

Claim 7 is directed to:

A method of configuring side conference calls comprising:

selecting one or more participant identifiers from at least one existing conference call;
and

positioning said selected participant identifiers into at least one side conference call

identifier.

Regarding Claim 7, the Examiner's Answer states:

> Examiner summarizes appellant's arguments. Applicant makes argument
> Megiddo does not teach or disclose anything about "configuring conference calls"
> as recited in Claim 7. Furthermore, Megiddo doe [sic] not teach or disclose
> anything about "selecting one or more participant identifiers from at least one
> existing conference call, [sic]". Megiddo also does not teach anything about
> "positioning said selected participant identifiers into at least one side conference
> call identifier." Megiddo discloses implementation of a plurality of groups in an
> electronic conference room as opposed to implementation of "conference call".
> Since Megiddo teaches use of an electronic conference room, Megiddo does not
> teach the "conference call" recited in Claim 7. Furthermore, since Megiddo does
> not teach a conference call, Megiddo does not teach an identifier that identifies a
> conference call or a "conference call identifier," as recited in Claim 7.

In response to Appellant's arguments, the Examiner states:

> Examiner respectfully see's applicant views Megiddo not teaching the
> limitation of Claim 7 because of Megiddo supposedly does not teach a
> "conference call". As explained in claim 1, examiner respectfully disagrees.
>
> Examiner views Megiddo's conference room as a type of conference call
> with at least one added feature of being able to eaves drop in on other conference
> groups or conference calls. Megiddo's system with conference rooms are able to

interact or communicate with multiple participants via audio and or video. Megiddo discloses, in accordance with another aspect of the present invention, a method is provided for allowing multiple users to communicate electronically with one another; Megiddo Column 3 lines 14-18. Further Megiddo explains that the use [sic] the communication can be by video and audio. The user 111 and the second graphic image 112 can communicate using visual and/or audio communications via conventional computer system methods; Column 5 lines 49-51. Examiner respectfully believes this to be explaining conference calls. Thus Megiddo's conference groups are considered different conference calls. Megiddo also explains conference call identifiers as groups such as group 120 as explained in office action. Migeddo [sic] discloses, the user 111 clicks and drags, using a drags, using a computer mouse, the icon representing the user 111 into or near to the second group 120. As can be seen in FIG. 2c, the user 111 then enters the second group 120 and the electronic conference room 100 rotates, so that the icon of the user 111 appears to be the closest icon of the icons representing the participants; Column 6 lines 41-61.

Megiddo, at col. 3 lines 14-18, states:

> In accordance with yet another aspect of the present invention, an electronic conference room is provided. The electronic conference room includes an interface system adapted to be employed by multiple users for establishing communication with one another. The interface system [further provides each user with a graphical image representing the user and allows the user to move the graphical image to different locations within the electronic conference room, so as to form small communication groups.]

Megiddo, at col. 6 lines 41-61, states:

> Referring to FIGS. *2b-2e,* the user 111 decides to enter the second group 120. The user may choose to enter the group 120 because the user 111 overhears a

conversation of interest to the user 111, or sees a participant that the user would like to meet due to appearance or simply because the user has tired of the conversation with the second graphic image 112. The user 111 clicks and drags, using a computer mouse, the icon representing the user 111 into or near to the second group 120. As can be seen in FIG. *2e,* the user 111 then enters the second group 120 and the electronic conference room 100 rotates, so that the icon of the user 111 appears to be the closest icon of all the icons representing the participants. It is to be appreciated that each participant will become the user with respect to the representation of the icon representing them in the electronic conference room 100 during a conferencing session. Therefore, the icon, the picture or video image will appear closest in the electronic conference room 100 to that particular participant. In addition, the audio signal and the caption for each of the graphic images will be loudest and largest, respectively, in the group that the participant is a part. The picture 150 [illustrates that the electronic conference room 100 has rotated so that the second group 120 now appears closest.]

Appellant's Reply: As the Appellant had previously argued in Claim 1, Megiddo teaches or discloses *a single conference room* which does not teach "conference call(s)" as recited in Claim 7. Consequently, for at least the reasons presented in Claim 1, Megiddo does not teach "configuring side conference calls," as recited in Claim 7.

D.   Dependent Claim 10

Claim 10 is directed to:

The method of claim 7 further comprising creating said at least one side conference identifier for configuring said side conference calls.

Regarding Claim 10, the Examiner's Answer states:

Examiner summarizes appellant's arguments. Appellant makes argument that based on the foregoing figure and passage, none of Megiddo , at Figure 5 and at column 7 lines 48 -51 teaches or discloses "creating said at least one side conference identifier for configuring said side conference calls: as recited in claim 10. While Megiddo, at Figure 5 at col. 7 lines 48-51, discloses creation and operation of electronic room, there is no disclosure of "creating said at least one side conference identifier for configuring said side conference calls," as recited in Claim 10.
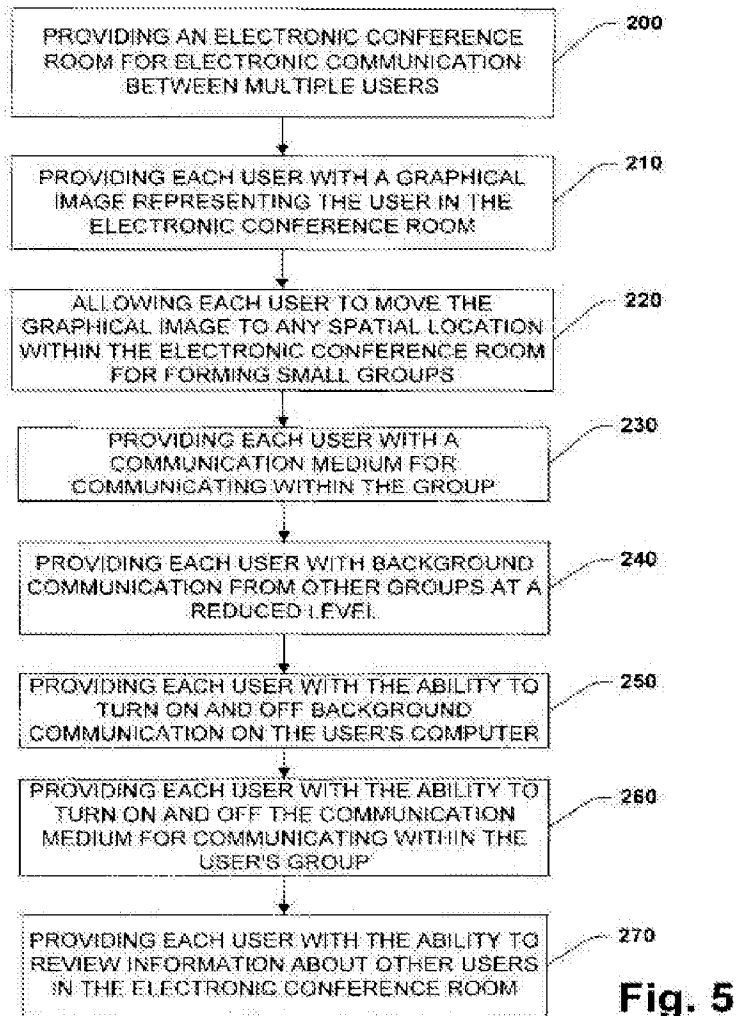
In response to Appellant's arguments, the Examiner states:

Examiner respectfully does not see applicant's explanation or reasoning of why creating said at least one side conference identifier for configuring said side conference calls is not taught by Megiddo. Examiner has to believe it's for the same reason as previous claim 7, which is Megiddo's conference room does not teach applicant's conference call. As such, examiner views this was explained above in claim 7.

Appellant's Reply: The Appellant respectfully submits that Megiddo does not teach "at least one side conference identifier for configuring said side conference calls," as recited in Claim 10. Appellant requests the Board to consider the present Application, at paragraph [27], which states that "the participant identifiers may be listed under a particular conference identifier, signifying the conference call they are participating in." Furthermore, the Appellant requests the Board to consider the second row of either Figure 3 or Figure 4 of the present Application, which illustrates N conference identifiers. Consequently, the Office Actions have not interpreted "conference identifier" in light of what is disclosed in the specification. Consequently, for at

least the foregoing reasons, the Office Actions have not shown a teaching of "conference

identifier" as recited in Claim 10. Thus, Appellant believes that Claim 10 is in condition for

allowance.

Megiddo, at Figure 5, illustrates:

PROVIDING AN ELECTRONIC CONFERENCE ROOM FOR ELECTRONIC COMMUNICATION BETWEEN MULTIPLE USERS — 200

PROVIDING EACH USER WITH A GRAPHICAL IMAGE REPRESENTING THE USER IN THE ELECTRONIC CONFERENCE ROOM — 210

ALLOWING EACH USER TO MOVE THE GRAPHICAL IMAGE TO ANY SPATIAL LOCATION WITHIN THE ELECTRONIC CONFERENCE ROOM FOR FORMING SMALL GROUPS — 220

PROVIDING EACH USER WITH A COMMUNICATION MEDIUM FOR COMMUNICATING WITHIN THE GROUP — 230

PROVIDING EACH USER WITH BACKGROUND COMMUNICATION FROM OTHER GROUPS AT A REDUCED LEVEL — 240

PROVIDING EACH USER WITH THE ABILITY TO TURN ON AND OFF BACKGROUND COMMUNICATION ON THE USER'S COMPUTER — 250

PROVIDING EACH USER WITH THE ABILITY TO TURN ON AND OFF THE COMMUNICATION MEDIUM FOR COMMUNICATING WITHIN THE USER'S GROUP — 260

PROVIDING EACH USER WITH THE ABILITY TO REVIEW INFORMATION ABOUT OTHER USERS IN THE ELECTRONIC CONFERENCE ROOM — 270

Fig. 5

Megiddo, at col. 7 lines 48-51, states:

FIG. 5 is a flow diagram illustrating one particular methodology for
carrying out the present invention with respect to creation and operation of the

electronic conference room 100. In step 200, the server 25 provides an electronic conference room 100 for electronic communication between multiple users.

Appellant's Reply: While Megiddo, at col. 7 lines 48-51 and Figure 5, may disclose that "each user [may] move the graphical image to any spatial location within the electronic conference room for forming small groups, Megiddo, at col. 7 lines 48-51, does not disclose anything about a "conference identifier" as recited in Claim 10. Consequently, for at least the foregoing reason, the Office Actions have not shown a teaching of "conference identifier" as recited in Claim 10. Thus, Appellant believes that Claim 10 is in condition for allowance.

E. Independent Claim 11

Claim 11 is directed to:

A method of configuring one or more conference calls comprising:

creating conference identifiers; and

grouping participant identifiers into said conference identifiers.

Regarding Claim 11, the Examiner's Answer states:

> Examiner summarizes appellant's arguments. Appellant makes argument that Megiddo does not teach "configuring one or more conference calls," or "creating conference identifiers", or "grouping participant identifiers into said conference identifiers," as recited in claim 11. For example, Megiddo does not disclose anything about "one or more conference calls." Nor does Megiddo disclose anything about "conference identifiers." Megiddo, at column 6, lines 41-6, discloses moving or dragging a graphical image representing a user around an electronic conference room, so as to enter small communication groups by way of dragging a user "into or near to" a group in a cocktail party setting in which every participant can eaves drop" another participant in the conference room. Furthermore, the Appellant respectfully submits that while Megiddo does not

disclose "conference identifiers." The Appellant respectfully submits that Megiddo does not teach "configuring one or more conference calls" as recited in Claim 11 for the same reasons that Appellant had provided for Claims 1 and 7.

In response to Appellant's arguments, the Examiner states:

Examiner would like to clarify position with regards to claim 11 and applicant's arguments.

Examiner points to Fig. 2b-2c, where examiner views users 111, 112 and 132 as participant identifiers and conference groups 110, 120, and 130 as conference identifiers. Users 111, 112, can be grouped into conference groups 110 or 120. The moving of icon or users into different group is considered configuring a conference call. Megiddo discloses referring to FIGS. 2b-2c, the user 111 decides to enter the second group 120. The user may choose to enter the group 120 because the user 111 overhears a conversation of interest to the user 111, or sees a participant that the user would like to meet due to appearance or simply because the user has tired of the conversation with the second graphic image 112; Megiddo Column 6 lines 41-46. Thus this explains the limitations in claim 11. Further in order not to be repetitious, argument regarding conference call not being taught by Megiddo was addressed in claim 1 and 7.

Megiddo, at Fig. 2b-2c, illustrates:
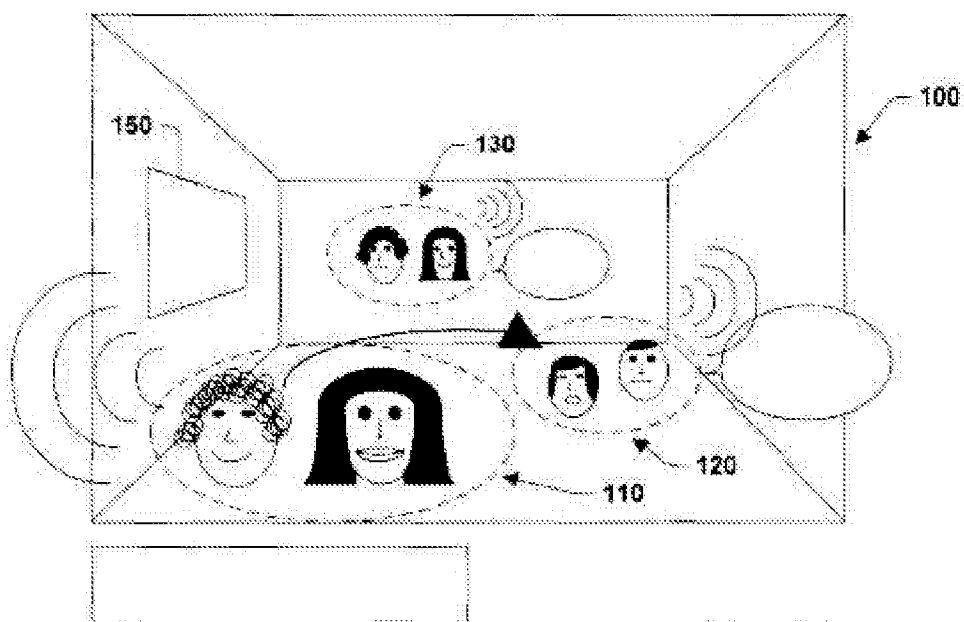
Fig. 2b
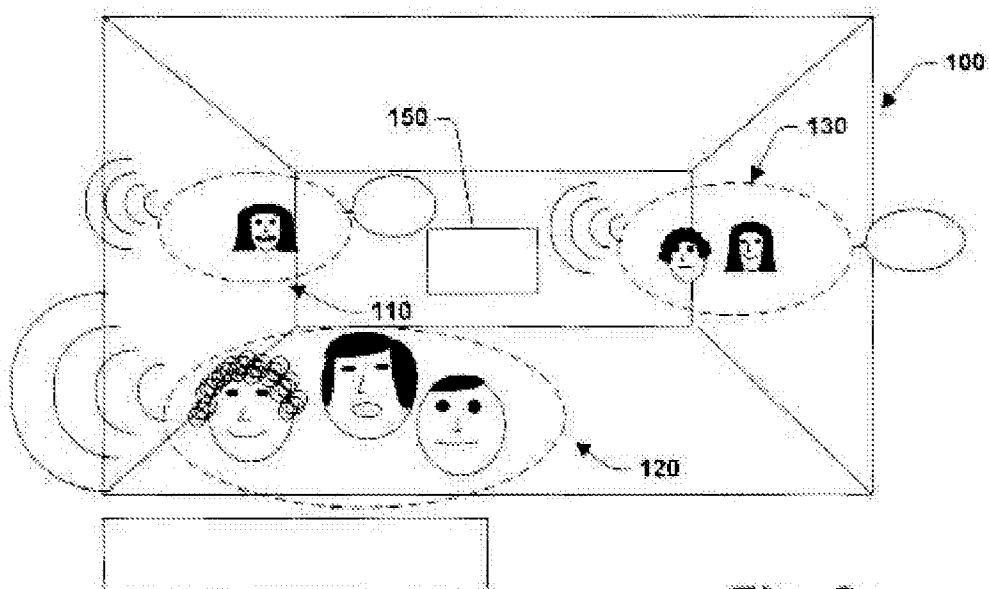
Fig. 2c

Megiddo, at col. 6 lines 41-46, states:

> Referring to FIGS. *2b-2e,* the user 111 decides to enter the second group 120. The user may choose to enter the group 120 because the user 111 overhears a conversation of interest to the user 111, or sees a participant that the user would like to meet due to appearance or simply because the user has tired of the conversation with the second graphic image 112.

Appellant's Reply: As the Appellant had previously argued in Claim 1, Megiddo teaches or discloses *a single conference room* which does not teach a "method of configuring one or more conference calls" as recited in Claim 11. Consequently, for at least the reasons presented in Claim 1, Megiddo does not teach a "method of configuring one or more conference calls," as recited in Claim 11. Furthermore, as the Appellant had previously argued in Claim 10, Megiddo does not teach or disclose *conference identifiers* as recited in Claim 11. Appellant requests the Board to consider Appellant's arguments for Claim 10. Consequently, for at least these reasons, Megiddo does not teach each and every element recited in Claim 11.

F.   Dependent Claim 14

Claim 14 is directed to:

The method of Claim 11 comprising selecting a participant identifier to effectuate receipt of a corresponding video feed.

Regarding Claim 14, the Examiner's Answer states:

> Examiner summarizes appellant's arguments. Applicant makes argument that Megiddo does not teach "selecting a participant identifier to effectuate receipt of a corresponding video feed." Applicant explains Megiddo discloses means for providing each user of each of the plurality of computers with a graphic image in electronic conference room representing the user, means for allowing each user to

move their respective graphic image to form small groups with other users and means for communicating with other users within the group, this does not teach the limitations in claim 14.

In response to Appellant's arguments, the Examiner states:

Examiner would like to clarify position in regards to claim 14 and applicants argument.

Megiddo does explain for providing each user of each of the plurality of computers with a graphic image in electronic conference room representing the user, means for allowing each user to move their respective graphic image to form small groups with other users and means for communicating with other users within the group as explained by Applicant. Megiddo also discloses, the graphical user interface provides each participant in the conference room with a graphical image representation thereof. The graphical image can be an icon representing the participant, a photograph or picture representing the participant, a real-time video picture provided by a camera connected to the participant's personal computer or other suitable graphical representation; Megiddo Column 1 lines 40-46. This is viewed to examiner to explains [sic] "selecting a participant identifier to effectuate receipt of a corresponding video feed."

Megiddo, at col. 1 lines 40-46, states:

A graphical user interface is provided that allows a user to select a location in an electronic conference room where the user would like to be spatially located. The graphical user interface provides each participant in the conference room with a graphical image representation thereof. The graphical image can be an icon representing the participant, a photograph or picture representing the participant, a real-time video picture provided by a camera connected to the participant's personal computer or other suitable graphical representation. According to one aspect of the present invention, a system and method is provided that allows participants in the electronic conference room to

spatially move to any location in the electronic conference room by simply clicking and dragging (e.g., using a computer mouse) a graphical image representing the participant to a location in the electronic conference room.

Contrary to what the Examiner alleges, the Appellant respectfully submits that a "graphical image" that is used for "representing the participant, a photograph or picture representing the participant" in an "electronic conference room" as stated in Megiddo, does not teach anything about "selecting a participant identifier to effectuate receipt of a corresponding video feed," as recited in Claim 14. There is nothing in Megiddo, at col. 1 lines 40-46, which teaches anything about "selecting a participant identifier to effectuate receipt of a corresponding video feed," as recited in Claim 14. In fact, there is nothing in Megiddo that teaches a participant identifier that is used to "effectuate receipt of a corresponding video feed." Consequently, for at least these reasons, Megiddo does not teach each and every element recited in Claim 14. Thus, the Office Actions have not shown a teaching of each and every element recited in Claim 14. Thus, the Appellant believes that Claim 14 is in condition for allowance.

G. Independent Claim 20

Claim 20 is directed to:

A method of graphically viewing and participating in one or more conference calls comprising selecting participants for one or more conference calls by way of pointing, clicking, and dragging participant identifiers into one or more conference identifiers.

Regarding Claim 20, the Examiner's Answer states:

Examiner summarizes appellant's arguments. Applicant makes argument that Megiddo does not teach "a method of graphically viewing and participating in one or more conference calls comprising selecting participants for one or more

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conference calls by way of pointing, clicking, and dragging participants identifiers into one or more conference identifiers" as recite in claim 11. For example Megiddo does not disclose anything about "one or more conference calls." Nor does Megiddo disclose anything about "pointing, clicking, and dragging participant identifiers into one or more conference identifiers." Applicant further explains Megiddo discloses moving or dragging a graphical image representing a user around an electronic conference room, so as to enter small communication groups by way of dragging a user "into or near to" a group in cocktail party setting in which every participant can eavesdrop another participant in any group of Megiddo's electronic conference room.

In response to Appellant's arguments, the Examiner states:

Examiner would like to clarify position in regards to claim 20 and applicant's argument.

Examiner points to Fig. 2b-2c, where examiner views users 111, 112 and 132 as participant identifiers and conference groups 110, 120, and 130 as conference identifiers. Users 111, 112, can be selected and moved into conference groups 110 or 120. . [sic] Megiddo discloses referring to FIGS. 2b-2c, the user 111 decides to enter the second group 120. Megiddo discloses referring to FIGS. 2b-2c, the user 111 decides to enter the second group 120. The user may choose to enter the group 120 because the user 111 overhears a conversation of interest to the user 111, or sees a participant that the user would like to meet due to appearance or simply because the user has tired of the conversation with the second graphic image 112. The user 111 clicks and drags, using a drags, [sic] using a computer mouse, the icon representing the user 111 into or near to the second group 120; Megiddo discloses Column 6 lines 41-50. Further in order not to be repetitious, argument regarding conference call not being taught by Megiddo was addressed in claim 1 and 7.

Appellant's Reply: As the Appellant had previously argued in Claim 1, Megiddo teaches or discloses *a conference room* which does not teach a "one or more conference calls" as recited in Claim 20. Appellant requests the Board to consider Appellant's remarks for Claim 1 in this Reply Brief. Consequently, for at least the reasons presented in Claim 1, Megiddo does not teach a "method of graphically viewing and participating in one or more conference calls comprising selecting participants for one or more conference calls by way of pointing, clicking, and dragging participant identifiers into one or more conference identifiers," as recited in Claim 20. Consequently, for at least these reasons, Megiddo does not teach each and every element recited in Claim 20. Therefore, the Office Actions have not shown a teaching of Claim 20. Thus, the Appellant believes that Claim 20 contains patentable subject matter.

II.   REJECTION OF CLAIMS 17-19 and 21-22 UNDER 35 U.S.C. § 103(a)

A.   Dependent Claim 17

Claim 17 is directed to:

The method of Claim 14 comprising generating a new window for displaying said corresponding video feed.

Regarding Claim 17, the Examiner's Answer states:

> Examiner summarizes appellant's arguments. Applicant makes argument that Ludwig may disclose a "video window on a typical collaborative multimedia workstation" screen, Ludwig, at col. 4, lines 36-38 but does not disclose anything about "generating a new window for displaying said corresponding video feed. Therefore, Ludwig does not teach each and every element of claim 17.

In response to Appellant's arguments, the Examiner states:

> Examiner would like to clarify position in regards to claim 17 and applicant's argument. Examiner respectfully disagrees with Megiddo in view of Ludwig not teaching the limitations of claim 17. Examiner views Ludwig explaining there being a video window as explaining generating a new window. Ludwig discloses FIGS. 8A, B8 and BC illustrate the video window on a typical CMW screen which may be generated during operation of a preferred embodiment of the present invention, and which contains only the callee for two-party calls (BA) and a video mosaic of all participants, e.g., for four-party (B8) or eight-party (BC) conference calls. Column 4 lines 36-41. This explains the generation of a new window for a particular video feed between at least two callers as explained in citation. Every time users connect to each other it is a new video window which is generated. Ludwig also discloses when a multi-party conference call is initiated, the CMW provides a screen that is similar to the screen for two-party calls, which displays a live video picture of the callee's image in a video window; Ludwig Column 24 lines 10-14.

Ludwig, at col. 4 lines 36-41, states:

> FIGS. 8A, 8B and 8C illustrate the video window on a typical CMW screen which may be generated during operation of a preferred embodiment of the present invention, and which contains only the callee for two-party calls (8A) and a video mosaic of all participants, e.g., for four-party (8B) or eight-party (8C) conference calls.

Ludwig, at col. 24 lines 10-14, states:

> [Next to be described is the specific manner in which the preferred embodiment provides for multi-party conference] calls (involving more than two participants). When a multi-party conference call is initiated, the CMW provides a screen that is similar to the screen for two-party calls, which displays a live video picture of the callee's image in a video window. [However, for multi-party calls,

the screen includes a video mosaic containing a live video picture of each of the conference participants (including the CMW user's own picture), as shown, for example, in FIG. 8B. Of course, other embodiments could show only the remote conference participants (and not the local CMW user) in the conference mosaic (or show a mosaic containing both participants in a two-party call).]

Appellant's Reply: The Appellant respectfully disagrees with the Examiner's view of what Ludwig discloses. The Appellant respectfully disagrees that the video window shown in Ludwig's Figures 8ABC teaches "generating a new window for displaying said corresponding video feed," as recited in Claim 17. The Appellant submits that Ludwig, at col. 4 lines 36-41, does not teach "generating a new window for displaying said corresponding video feed." While Ludwig, at col. 4, lines 36-41, may disclose a "video window on a typical CMW (collaborative multimedia workstation) screen," Ludwig, at col. 4, lines 36-38, does not disclose anything about "*generating a new window* for displaying said corresponding video feed." Therefore, Ludwig does not teach each and every element of Claim 17. Consequently, for at least these reasons, Appellant believes that Claim 17 is in condition for allowance.

Compared to Examiner's argument in the Office Actions, the Examiner has provided a new argument by citing Ludwig, at col. 24 lines 10-14. While Ludwig, at col. 24 lines 10-14, may disclose that "the CMW provides a screen that is similar to the screen for two-party calls, which displays a live video picture of the callee's image in a video window," Ludwig, at col. 24 lines 10-14, does not teach "generating a new window for displaying said corresponding video feed," as recited in Claim 17. Consequently, for at least these reasons, Ludwig does not teach each and every element recited in Claim 17. Therefore, the Office Actions have not shown a

teaching of Claim 17. Thus, the Appellant believes that Claim 17 contains patentable subject matter.

B.   Dependent Claim 18

Claim 18 is directed to:

The method of Claim 11 further comprising locking said one or more conference calls to prevent participation by additional participants.

Regarding Claim 18, the Examiner's Answer states:

> Examiner summarizes appellant's arguments. Applicant makes argument that Ludwig may disclose that "a client can create an exclusive service on a set of ports from creating services on these ports" there is no disclosure of "locking said one or more conference calls to prevent participation by additional participants," as recited in claim 18.

In response to Appellant's arguments, the Examiner states:

> Examiner would like to clarify position in regards to claim 18 and applicant's argument. Examiner respectfully disagrees that Megiddo in view of Ludwig does not teach "comprising locking said one or more conference calls to prevent participation by additional participants." Examiner would like to disclose that a client can create a specific type of service that will allow certain participants but will block out other types of calls such as incoming video calls. This teaches preventing participation by additional participants. Ludwig discloses clients that want to receive requests do so by putting their services in listening mode. If clients want to accept incoming data shares, but want to block incoming video calls, they must create different services; Column 21 lines 19-23. Further Ludwig discloses the user could refuse the call by clicking on a refuse button in the dialog box, or by clicking on a "hold" button on the active call window to put the current call on hold and allow the incoming call to be accepted.

Ludwig, at col. 21 lines 19-23, states:

[In particular, service information is used to associate a user with the audio/video ports physically connected to the particular CMW into] which the user is logged in. Clients that want to receive requests do so by putting their services in listening mode. If clients want to accept incoming data shares, but want to block incoming video calls, they must create different services.

Appellant's Reply: The Appellant respectfully submits that Ludwig, at col. 21 lines 19-23, does not disclose anything about "locking said one or more conference calls to prevent participation by additional participants," as recited in Claim 18. Instead, Ludwig, at col. 21 lines 19-23, discloses that a client that doesn't want to receive requests do so by putting their services in a listening mode. Ludwig, at col. 21 lines 19-23, further discloses that "[i]f clients want to accept incoming data shares, but want to block incoming video calls, they must create different services." None of what is disclosed in Ludwig, at col. 21 lines 19-23, teaches "locking" to "prevent participation by additional participants" to one or more conference calls. Furthermore, "block[ing] incoming video calls" does not teach anything about preventing additional participants to participate in a conference call. Consequently, for at least these reasons, Ludwig, at col. 21 lines 19-23, does not teach each and every element recited in Claim 18. Therefore, the Office Actions have not shown a teaching of Claim 18. Thus, the Appellant believes that Claim 18 contains patentable subject matter.

C.   Dependent Claim 19

Claim 19 is directed to:

The method of Claim 11 comprising providing a roll call of participants participating in said one or more conference calls.

Regarding Claim 19, the Examiner's Answer states:

> Examiner summarizes appellant's arguments. Applicant makes argument that there is no disclosure in Ludwig of providing a roll call of participants participating in said one or more conference calls,".

In response to Appellant's arguments, the Examiner states:

> Examiner would like to clarify position in regards to claim 19 and applicant's argument.

> Ludwig discloses the Expert quickly answers the boss' question and, by clicking on the RESUME button (of video window 203) adjacent to the names of the other participants to the call on hold, simultaneously hangs up on the conference call with his boss and resumes his three-party conference call involving the securities issue, as illustrated in video window 203 of FIG. 40. Ludwig Column 37 lines 61-67. Ludwig shows the names of callers on a [sic] hold of a conference call. This teaches roll call of the participants participating in said one or more conference calls.

Ludwig, at col. 37 lines 61-67, states:

> [As illustrated in FIG. 39, video window 203 is now replaced with a four-person video mosaic representing a four-party conference call consisting of the Expert 233, his boss 241 and the two members 242] and 243 of the bank's operations department. The Expert quickly answers the boss' question and, by clicking on the RESUME button (of video window 203) adjacent to the names of the other participants to the call on hold, simultaneously hangs up on the

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conference call with his boss and resumes his three-party conference call involving the securities issue, as illustrated in video window 203 of FIG. 40.

The Appellant respectfully submits that "names of callers on a [sic] hold of a conference call," as alleged by the Examiner does not show a teaching of "providing a roll call of participants participating in said one or more conference calls," as recited in Claim 19. Furthermore, Ludwig, at col. 37 lines 61-67, merely discloses the presence of "names of other participants to the call on hold" which does not teach anything about "providing a roll call of participants participating in said one or more conference calls," as recited in Claim 19. Consequently, for at least these reasons, Ludwig does not teach each and every element recited in Claim 19. Therefore, the Office Actions have not shown a teaching of Claim 19. Thus, the Appellant believes that Claim 19 contains patentable subject matter.

D.   Dependent Claim 22

Claim 22 is directed to:

The method of Claim 21 further comprising receiving a video feed of said conference call by way of using said participant identifiers.

Regarding Claim 22, the Examiner's Answer states:

> Examiner summarizes appellant's arguments. Applicant makes argument that Megiddo in view of Ludwig does not teach receiving a video feed of said conference call by way of using said participants identifiers. Applicant further discloses that Ludwig may disclose that "the CMW provides screen that is similar to the screen for two-party calls, which displays a live video picture of the callee's image in a video window," there is no disclosure of "receiving a video feed of said conference call by way of using said participant identifier," as recited in claim 22.

In response to Appellant's arguments, the Examiner states:

> Examiner would like to clarify position in regards to claim 21 [sic] and applicant's argument.

> Examiner respectfully disagrees that Megiddo in view of Ludwig does not teach, receiving a video feed of said conference call by way of using said participant identifiers. Examiner views user 111 and graphic image 112 as being participant identifiers.

> Megiddo discloses, [sic] the user 111 and the second graphic image 112 can communicate using visual and/or audio communications via conventional computer system methods; Column 5 lines 49-51. Megiddo discloses referring to FIGS. 2b-2c, the user 111 decides to enter the second group 120. The user may choose to enter the group 120 because the user 111 overhears a conversation of interest to the user 111, or sees a participant that the user would like to meet due to appearance or simply because the user has tired of the conversation with the second graphic image 112. The user 111 clicks and drags, using a drags, [sic] using a computer mouse, the icon representing the user 111 into or near to the second group 120; Megiddo discloses Column 6 lines 41-50.

Appellant's Reply: The Appellant respectfully submits that Megiddo, at Figures 2b-2c, at col. 5 lines 49-51, or at col. 6 lines 41-50, does not disclose anything about "receiving a video feed of said conference call by way of using said participant identifiers." For example, while Megiddo, at col. 6 lines 41-50, discloses that a "user may choose to enter the group 120 because the user 111 overhears a conversation of interest to the user 111, or sees a participant that the user would like to meet due to appearance or simply because the user has tired of the conversation with the second graphic image 112," Megiddo, at col. 6 lines 41-50, does not disclose anything about "receiving a video feed of said conference call by way of using said participant identifiers." For example, Megiddo, at col. 6 lines 41-50, does not disclose anything about "receiving a video

feed of said conference call," as recited in Claim 22. Consequently, for at least these reasons, Ludwig does not teach each and every element recited in Claim 22. Therefore, the Office Actions have not shown a teaching of Claim 22. Thus, the Appellant believes that Claim 22 contains patentable subject matter.

CONCLUSION

In conclusion, for at least the foregoing reasons provided in this Reply Brief, the Appellant submits that the pending claims are allowable in all respects. Reversal of the Examiner's rejections and issuance of a patent on the Application are therefore requested from the Board.

The Commissioner is hereby authorized to charge additional fee(s) or credit overpayment(s) to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: _____ February 22, 2010 _____   Respectfully submitted,

_____ /Roy B. Rhee/ _____
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